

MINUTES
COMMITTEE ON STORMWATER/CSO
WEDNESDAY, OCTOBER 21, 1998 – 11:30 A.M.
TENTH FLOOR CONFERENCE ROOM
LANSING CITY HALL

Call To Order

The meeting was called to order at 11:35 a.m. by Councilmember Leeman

Roll Call

Councilmember Harold Leeman, Chair
Councilmember Lou Adado, Vice Chair
Councilmember Michael Murphy, Member

Others Present

Ron Preadmore, Appellant
Larry Ross, Appellant
Mitchel Skory, Appellant
Jeff Kacos, MSU
Sally Harwood, MSU
Frank Telewiski, MSU
Bob Rose, Public Service Engineer
Jack Jordan, Law Department
Ron Wilson, Council Staff
Tina Gallante, Council Staff

Approval of Minutes

COUNCILMEMBER ADADO MOVED TO APPROVE THE MINUTES OF THE SEPTEMBER 23, 1998, MEETING AS SUBMITTED. MOTION CARRIED 3-0.

Public Comment on Agenda Items

None.

DISCUSSION/ACTION

Appeal of Michigan State University

Mr. Rose submitted the information sheets outlining the appeals brought forth by MSU for their stormwater fees. The basis of their appeals is whether the City has the right to enforce the fee upon them. In one instance, the appeal is based on serviceability. The City services all the properties.

Councilmember Adado questioned the properties MSU is claiming they do not own. Ms. Harwood indicated that those properties are owned by the MSU Foundation. She went on to explain they are only here to speak on the three properties: Bear Lake property, Lake Luwanna property, and property near Bear Lake and Bear Drain. They have agreed to pay the fees for the other properties that were part of the original claim. They do not want to appear to be bad neighbors; however, the fees for the properties they are still appealing seem outrageous and illogical. The properties are so unique and not subject to development.

Mr. Gamble reported on the costs of the three properties in question: Roughly \$24,000 total. Bear Lake is the larger portion, the second is a covey, and the long arm is Lake Luwanna.

Mr. Telewski spoke on the Bear Lake property, which is a unique glacial area in the Lansing area. It is isolated from the water system. The property was transferred to a number of owners. With the development of the interstate highway in 1960-70, there was an increase in the water level after construction. They believe the drain is not functioning because of the high water level. It is an important scientific and research area for the university. They prefer the levels be maintained at this high level. The one parcel to the west is part of a sand mine. It is a depression in the land; there is no run-off from the depression of the land. They are very concerned about the drain and maintaining the natural area.

Mr. Kacos indicated because of the high level of teaching degree this area provides, and by university policy, the area is secured from development. Because of this, any sort of development would be counterproductive. There has been no depreciation of this property for a long time. They would like the Bear drain to be removed from the records, they do not believe the easement was ever recorded anyway. They do not believe they should be penalized while trying to preserve this area.

Councilmember Adado questioned if the lake was taken into consideration when developing the fee. Mr. Gamble reported this is different from a matter such as Lansing Gardens because a drain is serving both Bear Lake and Lake Luwanna.

The Committee discussed the properties that MSU decided to pay. Ms. Harwood commented that rather wait for the ruling or deal with the argument, they decided to pay

on those other properties. The June 5, 1998, letter from MSU goes into further detail relative to those appeals.

Councilmember Adado confirmed with Mr. Gamble that there are no exemptions in the ordinance for natural areas. He commented he has a hard time charging MSU for a natural lake area that the City has a drain through.

Mr. Gamble attempted to set this matter under the confines of the ordinance. There are no impervious structures on this property. Only 15 percent of this area were considered for application of the fee. He has not gone and looked at the drain during a storm to see if it is functioning. Some issues he points out are that if they want the stormsewer eliminated they should contact the City Engineer. Options for the Committee is to establish, via a credit, a benefit for this type of property. He does not believe the Court or the Council will argue that this property is not special. The Grabowski credit was where a small lake exists on the property where no drain could get to the lake. This particular property already has a drain. The detention credit deals with impervious portions of the property and does not really fit in this particular category.

Councilmember Murphy exits the meeting at 12:09 p.m.

Mr. Gamble commented he would like the Lake Luwanna and Bear Lake property considered separately. Mr. Kacos commented he would agree that the properties are different, but continue that they help the City's system.

COUNCILMEMBER ADADO MOVED TO PLACE THIS APPEAL ON PENDING.
MOTION CARRIED 2-0.

COUNCILMEMBER ADADO WOULD LIKE THE STAFF TO DEVELOP A CREDIT, NARROW IN SCOPE, TAKING INTO CONSIDERATION THE INTENDED USE OF THE PROPERTY, THAT IT DOES NOT HAVE ANY DRAIN FROM IT, THAT IT BE USED FOR EDUCATIONAL AND/OR RECREATIONAL PURPOSES, AND IF THIS SATISFIES THESE CRITERIA, THEN THE PROPERTY RECEIVE A 100 PERCENT CREDIT. IF A PROPERTY DOES NOT MEET ALL THE CRITERIA, A CERTAIN PORTION IS CREDITED SOMEWHERE BETWEEN 25 AND 50 PERCENT, BASED ON THE SIZE OF THE PROPERTY AND RECOMMENDATION FROM THE PUBLIC SERVICE STAFF, BASED ON HOW MUCH IS REMOVED OR MAINTAINED ON THE PROPERTY. MOTION CARRIED 2-0.

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Appeal of Ron Preadmore

Mr. Gamble reported this property is located at 4220 Christiansen Road. A 25 percent credit was issued to the property. The property does have storm and sanitary sewer service with 18-inch drain in front of his property. There is no curb and gutter and the road is paved. Mr. Preadmore based his appeal on the fact he does not believe he has any service. The department recommends the 25 percent credit remain.

Mr. Preadmore commented he was never issued a 25 percent credit on the 1995 bill. The drain that Mr. Gamble speaks about does not service his property. The water on the south side of the property goes up hill. The water stays in the yard. The property across the street is 10 to 15 inches below the road level, the road slants to the east. The water does not go to the drains. If he was serviced and if the water would drain, he would not have an appeal.

Mr. Gamble reported there was refund amount of \$34.90 received on the 1995 bill. After review of the bill, Mr. Preadmore concurred and agreed with that fact. Mr. Gamble would recommend the 25 percent credit be approved and carried forward.

COUNCILMEMBER ADADO MOVED TO CONCUR IN THE ADMINISTRATION'S RECOMMENDATION AND DENY THE APPEAL OF MR. PREADMORE. MOTION CARRIED 2-0.

Councilmember Adado ensured that the bills for 1995, 1996, and 1997, would also receive the 25 percent credit.

Appeal of Mitchel Skory

Mr. Rose reported Mr. Skory is appealing two properties both on Aurelius Road. The first property fronts Lockbridge. This property has a 24-inch pipe running to the property and also fronts I96. The property has storm and sanitary sewer and does have curb and gutter. It receives adequate service from the City. He is paying \$398.80 for approximately 3 acres.

Mr. Skory stated the property drains to the highway. The property is covered with brush and woods and absorbs any water. He sees no purpose of the stormsewer. The two parcels are roughly 10 acres. He does not live on the property. The frontage is below the bridge. The north side of the property elevates upward. Throughout the entire 10 acres, no drainage goes to the City's system.

Mr. Rose reported on the second property. Only 15 percent of the property was considered for the fee. It does flow towards I96, as all drains from the highway end up in the City's system. This second property is approximately 5 acres at \$860.54. This property is undeveloped and the fee was determined according to this fact.

The Committee discussed ensuring that Mr. Skory's mother was receiving the assessment credit. Mr. Gamble indicated he would look into that matter. The Committee engaged in further discussion relative to property owners who have paid an assessment all at once and those who make payments. Only those making payments receive a stormwater credit, which concerned the Committee members. Councilmember Adado questioned if a specific date could be placed on the ordinance for assessments that have already been paid in the past.

Mr. Gamble reported the special assessment credit are for those currently paying assessments at this time, not those who paid one in the past.

The Committee felt this matter should be reviewed and consideration taken on how credit should be given to those individuals who have paid an assessment in the past.

Councilmember Leeman requested Mr. Jordan prepare something in writing explaining the rationale of why Mr. Skory's mother could not receive an assessment credit.

The Committee reviewed the credit that could be applied. Mr. Skory commented that there is no access on the property, which fronts Aurelius Road. There is a guardrail, which follows the property line.

COUNCILMEMBER ADADO MOVED TO CONCUR IN THE PUBLIC SERVICE DEPARTMENT'S RECOMMENDATION TO DENY MR. SKORY'S CLAIM FOR THE PROPERTY ADJACENT TO LOCKBRIDGE AND TO APPLY A 100 PERCENT CREDIT FOR THE PROPERTY ALONG AURELIUS. MOTION CARRIED 2-0.

Appeal of Larry Ross

Mr. Ross appeared before the Committee to appeal his stormwater fee for his property located at 2403 East Cavanaugh Road.

The Committee applied the greater than two-acre credit for this property. Mr. Ross commented he has not paid this bill and opposes the entire fee. There is no curb and gutter on this property. The total fee would be \$323.96, which would include his late fees.

COUNCILMEMBER ADADO MOVED TO CONCUR IN THE DEPARTMENT'S RECOMMENDATION AND SUPPORT THE APPLICATION OF GREATER THAN TWO-ACRE CREDIT. MOTION CARRIED 2-0.

Appeal of Anne Simon

Mr. Rose commented that Ms. Simon's property was recalculated and it was lowered by one category from \$84.60 down to \$59.83.

COUNCILMEMBER ADADO MOVED TO DENY MS. SIMON'S APPEAL AND TO CONCUR WITH THE PUBLIC SERVICE DEPARTMENT'S RECOMMENDATION ON THE CORRECTIVE ACTION TAKEN. MOTION CARRIED 2-0.

Appeal of Scott Wesley

Mr. Gamble reported this property is located at 747 Sadie Court. There is a 12-inch stormsewer in the street, there is no curb and gutter, and the Grand River flows directly in back on the property. The property is approximately 2,500 square feet. Mr. Wesley claims the property does not drain and that the EHA is incorrect. The Public Service Department recommends that the appeal be denied.

COUNCILMEMBER ADADO MOVED TO CONCUR IN THE PUBLIC SERVICE DEPARTMENT'S RECOMMENDATION AND DENY THE APPEAL OF MR. WESLEY. MOTION CARRIED 2-0.

Appeal of Flo Wheeler

Mr. Gamble reported this property is located at 645 Louisa Street. This is a paved street, which has storm and sanitary sewer service. The street is paved. Ms. Wheeler contends that she should not pay the fee because she does not have curb and gutter.

COUNCILMEMBER ADADO MOVED TO CONCUR IN THE PUBLIC SERVICE DEPARTMENT'S RECOMMENDATION AND DENY MS. WHEELER'S APPEAL. MOTION CARRIED 2-0.

Appeal Mr. Mary Harding

Mr. Gamble reported the department needs the authority to provide credit to all the individuals on Roll 252. Taking the special assessments, which they paid in the past, and bring them up to the current rate. He would recommend denying the appeal and authorizing the Public Service Department to place all the people who are on the Roll 252 into a current special assessment and issue credits to those properties based on their annual payments.

COUNCILMEMBER ADADO MOVED TO DENY THE APPEAL. MOTION CARRIED 2-0.

COUNCILMEMBER ADADO MOVED TO AUTHORIZE THE PUBLIC SERVICE DEPARTMENT TO PROVIDE THE ROLL 252 PEOPLE THE CREDIT EQUAL TO THEIR SPECIAL ASSESSMENT OF 1998. MOTION CARRIED 2-0.

COUNCILMEMBER ADADO MOVED TO WITHDRAW HIS FIRST MOTION. MOTION CARRIED 2-0.

COUNCILMEMBER ADADO MOVED TO GRANT MS. HARDING A CREDIT OF HER ROLL 252 SPECIAL ASSESSMENT BEGINNING IN 1995 AND TO GRANT HER EQUALLY INSTALLED PAYMENTS. MOTION CARRIED 2-0.

Appeal of Dolores Maidlow-Kramer

Ms. Rose indicated this property is located AT 2806 Forest Road. There is a 54-inch stormsewer in the road along with sanitary service. Ms. Kramer speaks about types of soil. The ordinance does not handle lot soil condition. The City does service her property and is does have a ditch line with a catch basin.

Councilmember Leeman questioned if the information she requested was sent to her. Mr. Gamble indicated yes, a map of this area was sent to her. She is paying \$120.17 without the discount.

COUNCILMEMBER ADADO MOVED TO CONCUR IN THE PUBLIC SERVICE DEPARTMENT'S RECOMMENDATION AND DENY THE CLAIM OF MS. KRAMER. MOTION CARRIED 2-0.

Appeal of Don Travano – 2020 Northwest

Mr. Gamble reported that Mr. Travano's EHA was recalculated a couple different ways and it still falls within the same category.

COUNCILMEMBER ADADO MOVED TO CONCUR WITH THE PUBLIC SERVICE DEPARTMENT'S RECOMMENDATION TO DENY THE APPEAL OF MR. TRAVANO AND FURTHER REQUESTED MR. GAMBLE WRITE A LETTER COMMUNICATING TO MR. TRAVANO THAT HIS PROPERTY WAS RECALCULATED, DESCRIBING THE METHODS THAT WERE USED, AND COMMUNICATING THAT THE PROPERTY STILL FALLS WITHIN THE SAME CATEGORY, AND THAT IT BE PLACED ON THE MONDAY NIGHT AGENDA TWO WEEKS FROM NOW. MOTION CARRIED 2-0.

Other

Collection of Stormwater Fees

Mr. Gambler reported that every year the Stormwater bill is sent in December, allowing payment for nine months, at the end of nine months it is recommended all the unpaid

Stormwater bills be placed on the income tax statement. This resolution recommends those actions.

Councilmember Adado questioned where the \$7.60 partial payments. This was made the first year it was placed on taxes.

COUNCILMEMBER ADADO MOVED TO APPROVE THE RESOLUTION.
MOTION CARRIED 2-0.

ADJOURN

The meeting was adjourned at 1:46 p.m.

Respectfully Submitted

Tina M. Gallante
Administrative Secretary
Lansing City Council

Approved by the Committee.

Signed by: _____
Harold Leeman, Chair

Appropriate documents attached to original set of minutes.